

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VEANKA McKENZIE, : **Electronically Filed**  
 :  
Plaintiffs, : 07 Civ. 6714 (WHP)  
 :  
-against- : **NOTICE OF MOTION TO DISMISS**  
 :  
KUMIKI GIBSON, individually, the :  
STATE OF NEW YORK, and the :  
NEW YORK STATE DIVISION OF :  
HUMAN RIGHTS, :  
 :  
Defendants. :  
-----X

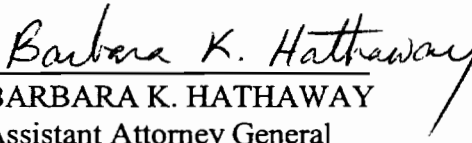
PLEASE TAKE NOTICE that upon the affidavit of Barbara K. Hathaway, sworn to February 29, 2008, the exhibits annexed thereto, the accompanying memorandum of law, and upon all prior proceedings, the defendants, by their attorney, Andrew M. Cuomo, Attorney General of the State of New York, will move this court before the Honorable William H. Pauley, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on the 18<sup>th</sup> of April 2008, at 10:30 a.m., or as soon thereafter as counsel can be heard, for an order pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint on the grounds that the court lacks jurisdiction and the complaint fails to state a claim upon which relief

can be granted, and granting such other and further relief as to the Court may seem just and proper.

Dated: New York, New York  
February 29, 2008

Respectfully submitted,

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendants  
By:

  
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